

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION**

UNITED STATES OF AMERICA, )  
                                  )  
Plaintiff,                   )  
                                  )  
v.                            )      Case No. 14-3071-CR-MDH  
                                  )  
CHARLES T. BACON,           )  
                                  )  
Defendant.                   )  
                                  )  
                                  )

**REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

This matter comes before the Court on the issue of the defendant's competency to stand trial. On November 4, 2014, at the request of the defendant, the Court ordered a psychological evaluation (Doc. 17). Alicia Gilbert, Ph.D., Forensic Psychologist at the Metropolitan Correctional Center – San Diego, evaluated the defendant between January 12, 2015, and March 9, 2015. Her report was submitted to the Court on March 13, 2015. The undersigned held a hearing on April 27, 2015, on the question whether the defendant is competent to stand trial pursuant to 18 U.S.C. § 4241. The defendant appeared in person with counsel. No evidence was presented, other than the Forensic Report on the defendant's competency to stand trial prepared by Doctor Gilbert.

After thorough evaluation, Doctor Gilbert opined that the defendant is competent to proceed. She stated:

Based on all available information, it is the professional opinion of this writer that Mr. Bacon's present ability to understand the nature and consequences of the court proceedings brought against him, as well as his ability to properly assist counsel in a defense are not substantially impaired by a mental disease or defect. Although he appears to be suffering from an appropriate amount of depression

and anxiety given his current situation, there is no evidence to indicate that his symptoms will interfere with his ability to participate in the legal proceedings against him. Moreover, he is relatively intelligent with no evidence of continued psychotic symptoms or bizarre behavior. He was fully cooperative throughout the entire evaluation period and eager to figure out his legal options.

Based upon the opinion of Dr. Gilbert, which was the only evidence before the Court on the question of competency, the undersigned respectfully **RECOMMENDS** that Defendant Charles T. Bacon be declared competent to stand trial.

**IT IS SO ORDERED.**

**DATED: April 28, 2015**

/s/ *David P. Rush*  
**DAVID P. RUSH**  
**United States Magistrate Judge**